

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DONALD C. HUTCHINS)	
)	
)	
Plaintiff)	
)	Civil Action: 04-30126-MAP
vi.)	
)	
CARDIAC SCIENCE, INC., <u>et al.</u>)	
)	
Defendants)	
)	

**MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION TO FILE
INSTANTER REPLY BRIEF IN SUPPORT OF HIS
MOTION FOR JOINDER OF CPR L.P.**

Defendant Compliant Corporation (“Compliant”) was dissolved in October of 2003 under the laws of Delaware and has no business address or attachable assets. CPR L.P. is an Ohio partnership that is 99% owned by Compliant and is active according to the records of the Ohio Secretary of State. Compliant’s filings in this action state that CPR L.P. is the entity that controls the license of Hutchins’ intellectual properties in dispute. Compliant has acted as disbursement agent, sales agent, employee representative, etc. in the place of CPR L.P. CPR L.P. lacks a business identity with the one exception of that was provided by the showcase of the Compliant Corporation and its predecessor County Line Limited. This deception has produced confusion in this litigation.

Donald C. Hutchins (“Hutchins”) has met the requirements of Local Rule 15.1 by serving CPR L.P. in the appropriate manner prescribed by this Court. It is an undisputed fact that CPR L.P. is a party to the Asset Purchase Agreement submitted to this Court in

Complainant's Motion for Summary Judgment. As a consequence, complete relief cannot be accorded to the parties in absence of CPR L.P. These parties include Cardiac Science, Inc. for which an appeal has been filed.

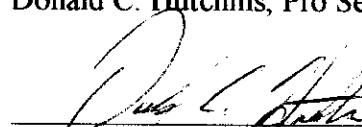
Accordingly, Hutchins respectfully requests that his Motion for the Joinder of CPR L.P. be allowed.

Respectfully submitted,

The Plaintiff

Donald C. Hutchins, Pro Se

Dated: 2/21/06

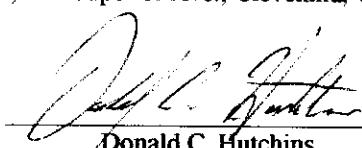


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CERTIFICATE OF SERVICE

I, Donald C. Hutchins, 1047 Longmeadow, Massachusetts 01106, hereby certify that I served a copy of the foregoing on the appropriate parties by sending a copy by United States mail to: Randall T. Skaar, Esq. Patterson, Thuente, Skaar & Christensen, P.A., 4800 IDS Center, 80 South 8th St. Minneapolis, Minnesota; 55402, Paul H. Rothschild, Esq. Bacon & Wilson, P.C., 33 State St., Springfield, MA 01103; John J. Egan Esq., Egan, Flanagan and Cohen, P.C., 67 Market St., Springfield, MA 01102-9035, Colleen O'Neil, Esq., Calfee, Halter & Griswold LLP, 800 Superior Ave., Cleveland, Ohio 44114-2688.

Dated: 2/21/06



Donald C. Hutchins